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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,396	12/17/2003	William E. Mazzara JR.	GP-304224 (2760/145)	7990

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EXAMINER

VU, MICHAEL T

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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08/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/738,396

Applicant(s)

MAZZARA, WILLIAM E.

Examiner

MICHAEL T. VU

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 1/22/2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5, 7-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5, 7-13, 15-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-5, 7-13, 15-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-13, 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odinak (US 2003/0078722) in view of Jarvi (US 2003/0069032).

Regarding claims 1, 9, 17, and 18, Odinak teaches a method for operating a telematics unit (Figure #1, Telematic Control Unit #14) within a mobile vehicle (Figure #1, Vehicle #12) having a radio module (Figure #1, Radio Modules #26) comprising a radio module user interface (Figure #1, User Interface #22).

But Odinak does not clearly teach the method comprising: receiving radio station information including a radio station telephone number at the radio module via a sub-carrier band of a radio signal; detecting an initiation command received responsive to a radio station broadcast from the radio module user interface; and providing the

radio station information including at least the radio station telephone number from the radio module to the telematics unit responsive to the detected initiation command.

However, Jarvi teaches receiving radio station information including a radio station telephone number at the radio module via a sub-carrier band of a radio signal [0003-0007]; detecting an initiation command received responsive to a radio station broadcast from the radio module user interface [0016-0023]; and providing the radio station information including at least the radio station telephone number from the radio module to the telematics unit responsive to the detected initiation command [0016-0030].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Odinak, with Jarvi's teaching, in order to enhance a radio broadcast transmission between a radio station and a server that includes a radio data stream signal transmitted over the auxiliary sub-carrier channel.

Regarding claims 2 and 10, Odinak and Jarvi teach the method of claim 1, further comprising receiving a communication command [0023]; and initiating a wireless communication via the telematics unit responsive to the received communication command [0016-0023] of Jarvi.

Regarding claims 3 and 11, the combination of Odinak and Jarvi teach the method of claim 2, further comprising: determining if the initiated wireless communication is connected [0019-0020]; initiating wireless voice communication from a user interface when the initiated wireless communication is connected [0017-0018, 0029-0031]; terminating the wireless communication when the initiated wireless

communication is not connected [0017-0018]; and reinitializing the terminated wireless communication via the telematics unit responsive to the received communication command [0017-0020] all of Odinak.

Regarding claims 4 and 12, Odinak and Jarvi teach the method of claim 1, further comprising initiating a wireless communication via the telematics unit responsive to the detected initiation command [0017-0020] of Odinak.

Regarding claims 5 and 13, Odinak and Jarvi teach the method of claim 1, wherein the radio station information is selected from the group consisting of: radio station identification [0003-0007, 0016-0023], radio station telephone number [0003-0007, 0016-0023], **one or more** radio station messages [0003-0007], alert data [0003-0007], government emergency alerts [0003-0007], weather alerts [0003], sports scores [0003] and stock quotes [0003-0007] all of Jarvi.

Regarding claims 7 and 15, Odinak and Jarvi teach the method of claim 1, wherein the radio module user interface is a voice activated user interface [0017-0020, 0029-0031] of Odinak.

Regarding claim 8 and 16, Odinak and Jarvi teach the method of claim 1, wherein the radio module user interface is manually operable push button user interface [0018-0019] of Odinak.

Regarding claim 19, Odinak and Jarvi teach the method of claim 18 wherein the interactive radio module includes a visual user interface (Figure #1, [0017-0019]) and physical user interface [0017-0019] and is configured to receive commands from the

physical user interface [0017-0020] and store received radio station information [0017-0020] all of Odinak.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Vu/
Examiner
AU-2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617